

REMARKS

Claims 1-64 are pending in this application. Due to a restriction requirement, claims 54-64 are withdrawn from consideration by the Office. Claims 1-53 are considered by the Office. Claims 65-72 are newly added.

Rejection Under 35 U.S.C. 101:

Claims 1-53 are rejected under 35 U.S.C. 101 alleging that the claimed invention is directed to non-statutory matter.

It is respectfully submitted that a person of ordinary skilled in the art, upon full consideration of the specification as whole, would definitely not consider the present invention a mere abstract idea, law of nature or natural phenomena. More specific discussions regarding utility as determined by a person of ordinary skill in the art is provided in MPEP 2107.2(IV).

Independent claim 1 has been amended to make more apparent the relevant technological arts, breathe life and meaning to the preamble, and demonstrate utility. By so amending, the moot nature of this rejection is further made apparent.

Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. 112, Second Paragraph:

Claims 1-53 are rejected under 35 U.S.C. 112, second paragraph, allegedly for being indefinite.

Claims 1 and 39 are amended to remove any apparent and minor informality. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. 102, anticipation:

Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al. (U.S. Patent No. 6,298,307). This rejection is traversed for reasons stated hereinbelow.

Independent claim 1 has been amended to recite:

"1. (Currently Amended) A method of requesting and collecting information from a network via an information account of a system with a processor and a memory, comprising a plurality of steps of:

making a request by indicating to the information account a type of information to be collected desired;
entering a duration in which the request is active;
collecting in the information account a result obtained from the network in response to the request, within the duration;
storing in the memory both the request and the result."

From a careful study of Murphy, the Applicant cannot find any disclosure or teaching regarding "storing in the memory both the request and the result" feature of the claimed invention.

Furthermore, even though the Office has rejected claims 2-53, the Office fails to indicate where these claimed features are disclosed or taught in Murphy. These claimed features that

not disclosed in Murphy should be indicated as patentable subject matter. Should the Office disagree with the inference taken by the Applicant, an indication as to where these claimed features are disclosed in Murphy is respectfully requested.

It is well settled that:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).

To assist the Office in determining and clearly communicate whether each and every feature of newly amended claim 1 is indeed disclosed in Murphy, please fill-in the parenthetical adjacent the recited element to indicate where the same element or feature is disclosed in Murphy.

"1. (Currently Amended) A method of requesting () and collecting information () from a network () via an information account () of a system () with a processor () and a memory (), comprising a plurality of steps of:
making a request () by indicating to the information account () a type of information () to be collected desired;
entering a duration () in which the request is active ();
collecting in the information account () a result () obtained from the network () in response to the request (), within the duration ();
storing in the memory () both the request () and the result ()."

If an element of the newly amended claim 1 cannot be found in Murphy, then it is respectfully submitted that the claimed

invention is not anticipated by Murphy. If each and every element of the newly amended claim 1 is found in Murphy, then the Applicant respectfully request the Office to determine and communicate whether each and every element of dependent claims 2-53 is disclosed in Murphy, in a similar fashion as the parenthetical system of the newly amended claim 1 above.

Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 USC 103, Obviousness

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by Murphy in view of Chern et al. (U.S. Patent No. 6,381,465).

Independent claim 1 has been concurrently amended to recite the feature of storing in the memory both the request and the result. These features are not disclosed or taught by Murphy. Independent claim 1 is patentably distinguished over Murphy. All claims dependent thereon, by virtue of inherency, are also patentably distinguished over Murphy further in view of Chern.

Reconsideration and withdrawal of this rejection are respectfully requested.

New Claims

New claims 65-72 are submitted herein by amendment. Entry and approval of these newly added claims are respectfully requested.

CONCLUSION

Should a personal interview be needed to advance the prosecution of the present application, the Examiner is invited to contact the undersigned attorney.

The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 50-2840.

Respectfully submitted,

12/21/2004
Michael N. Lau
(Registration No. 39,479)
LAU & ASSOCIATES
7701 ROCKLEDGE COURT
SPRINGFIELD, VA 22152
Telephone (703) 644-7695
Telefax (703)-644-4303